IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3670 OF 2004

Shalik Ratan Bhagat ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. Sanjay Mishra for the Applicant.

Mr. D.R. More, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

21st September 2004

P.C.:

. Heard Counsel for the parties. The only argument canvassed before this Court is that having regard to the injury certificates, it is not possible to take the view that the offence under section 307, I.P.C., is made out. However, at best, offence would be one under section 326, I.P.C. This submission does not commend to me. Indeed, looking at injury certificate at Exhibit B, which is issued by the private hospital, the argument canvassed before this Court would appear

to be attractive. However, the injury certificate issued by the Corporation General Hospital at Exhibit C, page 40, clearly indicates that injuries are caused by sickle on shoulders and head. Moreover, the injuries are incised wounds. If it is so, it is not possible to accept the argument that the injuries, being simple in nature, no offence under section 307, I.P.C., is made out. Accordingly, this application fails and the same is dismissed.

. At this stage, Counsel for the Applicant submits that the trial Court be directed to expedite the trial, having regard to the age of the Applicant. If any application in that behalf is made to the trial Court, the trial Court shall consider the same appropriately.

(A.M.KHANWILKAR,J.)